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### Report to the President for the Year, 1970-71

University of Michigan Law School

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*Michigan University Law School*

UNIV. OF MICH.

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# Report to the President of the University for the Year 1970-71



THE UNIVERSITY OF MICHIGAN LAW SCHOOL





*Contracts*

# Report to the President of the University for the Year, 1970-71

President Robben W. Fleming  
Ann Arbor, Michigan

Mr. President:

Francis A. Allen relinquished his duties as Dean of the Law School on June 30, 1971. This is the first annual report that I have had the honor of submitting as his successor. Since I did not take office until after the period covered by this report, I shall keep my introductory remarks to a minimum. But I think it fitting to say a few words about the significance of Frank Allen's tenure, and about my own notions concerning the role of a contemporary dean. I suppose I shall also be unable to resist the temptation to speculate a bit, blessed as I am with all the advantages of total administrative inexperience, about the future of the Law School.

The five years during which Frank Allen was Dean were surely the most turbulent in the modern history of higher education. Student grievances, usually sincere and often justified, about the quality and meaning of the University experience, led to strident, sometimes even violent, protests. The demands by minority groups for fuller educational opportunity seemed to pit principles of social justice against the principle of "objective" student selection and evaluation. Faculties were painfully torn over the proper response to these demands, and over the appropriate accommodation of traditional academic values to the other expressed needs of today's society. The Law School was not immune to such tensions.



In dealing with these conflicts, Frank Allen exhibited a unique blend of sensitive humanity and tough-minded rationality. He was open to new perspectives, to the insights of temperaments different from his own. But his ultimate allegiance was to the "Word," to the rigorous intellect; he was not a person to surrender to what Eliot has described as "imprecision of feeling,/Undisciplined squads of emotion." The Law School faculty, confident that its Dean would not fall victim to the misguided enthusiasms of lesser men, was thus readier than it might otherwise have been to follow him into new and uncharted terrain. The result was to transform a time of troubles into a moment of realized opportunity. The Law School is still as dedicated as ever to high craftsmanship; thanks in considerable part to Dean Allen's leadership, there is a quickened spirit of intellectual adventure and of social awareness.

The addition to the faculty of persons with special qualifications in such fields as economics, sociology, and philosophy symbolizes the Law School's growing desire to draw upon the University's total intellectual resources in educating lawyers and extending the horizons of the law. The introduction of a special program for minority group students and the initiation of two separate clinical law programs may similarly be said to symbolize the School's desire to prepare young men and women to deal in the most practical of ways with societal ills. Dean Allen had a major hand in all these developments.

It only remains to be said, on a more personal note, that in departing the deanship, Frank Allen leaves us with the image of a wise and sympathetic counselor, a nonpareil after-dinner speaker, and, in the truest sense of the word, a gentleman.

*The contemporary dean.* As has been rather widely publicized, when I took office at the age of 42, I became the youngest Dean of the Law School in this century. Not so well known is that I am the first person to receive a limited appointment (a five-year renewable term), and that two students served on the Presidential Committee that nominated me. These latter two facts are as important as the first, I think, in assessing the role of the modern dean.

The dean of a law school today is nowhere near as much the authority figure as the dean of the past; he is closer to being a chairman of the faculty. Someone must help to shape issues and

present them to the faculty in an orderly sequence when they are ripe for resolution. The dean undoubtedly exercises a certain influence in performing that role. But ultimately the determination of basic policy is for the faculty as a whole. I believe so strongly in that principle that I reject traditional notions of strong executive leadership in an academic community. First, I trust group wisdom more than individual wisdom in institutional decision-making, and, second, I prize group decision-making as a value in itself. I say this although I am by no means sure that many persons in their heart of hearts wouldn't prefer, even in this egalitarian age, to have someone else make the hard choices for them. Nonetheless, as I view decanal leadership in today's world, the dean's task is to see that the faculty faces up to the hard choices—not to make them himself.

The participation of students in the selection process reflects another characteristic of the contemporary dean. If it is not correct to say that he represents a number of constituencies, it is surely true that he serves as a key communications link between several distinct groups, each having a legitimate interest in the life of the institution. These are, most immediately, faculty members and students; in addition, the alumni, the bar, and the general public have a less direct but still valid concern about the activities of a major law school. The dean is the one person to whom all of these groups will naturally turn with their ideas and proposals. While I am convinced that the primary responsibility for determining basic educational policy must rest with the faculty, I am also convinced that at any given time, or on any given issue, superior wisdom may reside elsewhere. One of the dean's main functions is to collate insights and recommendations from a variety of sources in order that the faculty may take them into account in its deliberations.

The current trend toward youthful deans with limited terms not only reflects a more restricted concept of decanal power; it also reflects a refusal by many younger teachers to take on administrative assignments for so long a period as to inhibit their return to a career of productive scholarship. On balance, I think this is a healthy development. It will encourage more (and presumably abler) persons to serve as deans; it will keep deans closer to their faculties and student bodies; and it will ensure a continuing injec-

tion of fresh blood and new ideas. But I concede that occasionally there may be some loss of effectiveness in dealing with alumni, University administrators, and others who, understandably enough, are often fondest of familiar faces.

*The Law School in the future.* In the last few years, legal education has engaged in a searching reexamination of its aims and methods. Until recently, law schools were confident to the point of smugness that they understood their mission; it was to teach their students "to think like lawyers." They were similarly confident that they had devised a mechanism perfectly adapted to this end—the famous Socratic dialogue, in which one teacher would stand before as many as 100 or 150 students, and, through a series of carefully plotted questions concerning the meaning of an appellate court opinion, would lead the fledgling lawyers, step by step, from ignorance to enlightenment. During the past decade, law teachers (and law students) have become much more skeptical about the capacity of the conventional Socratic dialogue to carry the whole burden of a legal education.

Law schools, including ours, are now increasingly employing two quite different approaches to supplement deductive analysis of appellate pronouncements. One, the interdisciplinary approach, turns the law school inward toward the rest of the University; it seeks whatever light can be shed by economics, sociology, history, psychiatry, philosophy, and other academic disciplines on the fashioning of legal norms. The second route goes in the opposite direction. So-called clinical law moves instruction away from the University and out into the community. It lets the student learn by handling flesh-and-blood legal problems for flesh-and-blood clients. While the interdisciplinary and clinical approaches are surely different, they are not incompatible. The complete lawyer is a mix of scholar and practical man, and the stress on interdisciplinary and clinical education reflects an awareness that the law student must learn to perform this dual role.

If interdisciplinary work is to mean more than a basic course in economics or sociology or whatever for law students, and is to seek a genuine melding of law and other disciplines, it is likely to involve relatively small-group teaching; that is an expensive kind of teaching. Clinical education is even more costly. Indeed, our major clinical program is three to four times as expensive, propor-



tionately, as the average law course. Is such a cost differential justified? I do not think we yet have enough evidence available to make a final judgment on clinical law. Both faculty and student participants in clinical courses across the country are excited about them. That is important, but it is not conclusive. Excitement in education, as in other intellectual endeavors, is not always a mark of enduring value; most of the classic authors are boring to modern readers, until one has got well into them. Much of what is learned in a clinical program will be learned anyway in the first year or so of practice in a good firm or government agency. What the law schools must eventually decide is whether clinical work in an academic setting has a peculiar payoff (because, for example, of the insights that can be provided by such persons as psychiatrists, sociologists, and ethicists), which will not be duplicated in the initial stages of practice, and which will outweigh the loss of time from the academic inquiries that we know can be pursued more effectively in the University than in practice.

About the central role to be played by interdisciplinary studies in legal instruction and research, I have no doubt. We are well beyond the point where we can hope to convey to our students anything like a total mastery of the ballooning body of legal doctrine—or where such a feat, if it could be accomplished, would be worthwhile. We are shooting at a moving target, and our aim must be to prepare our students to be experts tomorrow in fields that may not exist today. We have to concentrate on teaching them, not so much “the law,” as what I would describe (modifying the phraseology of Chicago’s Edward Levi) as “the law of law.” By “the law of law” I mean those underlying principles which govern the direction of the legal process, which determine the way the legal system will respond to each new societal demand. To divine the law of law, it has never been enough to know the yearbooks of the fifteenth century or the appellate opinions of the twentieth. Depending on the century, one would also have to be familiar with Montesquieu and Locke, Marx and Freud, Gunnar Myrdal and Rachel Carson. And now, I suppose, the complete lawyer may have to do business with B.F. Skinner. Merely to catalogue a few of the items on the agenda of the next half century should demonstrate the law’s dependence on the perspectives of other disciplines: genetic manipulation, the conservation and

allocation of natural resources, and the restructuring of deviant personalities.

I am satisfied that this Law School will have a major hand in these trail-breaking ventures. I am further satisfied that the law school best equipped for such undertakings is also best equipped to prepare students to incorporate businesses in Detroit, set up trusts in Des Moines, or convey real estate in Miami. But my introductory remarks have already run on beyond my design, and I shall leave the elaboration of that latter theme for another day.

## FACULTY

During the University year of 1970-71, fifty-eight persons held professorial appointments in the Law School. This figure includes four part-time or visiting faculty members, and five who had full-time administrative assignments with the Law School or the University. Not included in the total are four professors emeriti.

Once again the Law School benefitted from the presence of an imposing array of visiting faculty members. From abroad came Dr. Hans G. Rupp, a judge of the Federal Constitutional Court of West Germany, who participated in Professor Paul Kauper's seminar in comparative constitutional law during the fall semester, and Professor Bernhard T. Grossfeld of Göttingen University, who taught comparative corporation law and comparative antitrust law in the winter term. Associate Professor (later Dean) Martin B. Dickinson, Jr., of the University of Kansas Law School joined us in the fall term to teach taxation and business associations. In addition, we had three visiting lecturers, Mr. James N. Hyde of New York, who taught a seminar on current United Nations problems in the winter term, Mr. Arthur R. Seder of Detroit, who taught regulated industries in the winter term, and Mr. Robert V. Seymour, also of Detroit, who taught business associations in the fall and corporations in the winter.

Another group of lively young instructors was on hand to put the finishing touches on our students' capacity for effective legal writing and research. These were Paul R. Baier, James J. Gobert, Ronald L. Hirsch, and Howard A. Jack. For the third straight year, Mrs. Virginia Davis Nordin, Associate Director of the Institute of Continuing Legal Education, augmented this group; she was

largely responsible for the success of a pioneering project in clinical law writing.

Visitors in the summer term of 1970 included Professors Arthur Bonfield of Iowa (constitutional law), George Christie of Duke (torts), Harvey Couch of Tulane (family law), Duncan Derrett of the University of London (South Asian private law), Richard W. Effland of Arizona State (trusts and estates), and Roger Findley of Illinois (water resources and environmental problems).

For various reasons, including budgetary restrictions, no permanent members were added to the faculty during the past academic year. I like to think that this stymie to normal growth was at least partially offset by an extraordinary outpouring of faculty publications in 1970-71. Besides the usual cornucopia of casebooks and treatises, there was one work which became the "book-of-the-month" of a lawyers literary club, and there was another which served as a special bonus for members of a major consumers' research group. At least two other books went on to command the attention of large audiences outside the academic sphere.

The Law School continued to suffer from the excessive visibility of its faculty. The long arm of the University reached out to claim Professor Robert L. Knauss and make him Vice-President for Student Services. In mid-year, the even longer arm of the Federal Government reached out to snare Professor Roger C. Cramton and install him (for two years or so) as Chairman of the Administrative Conference of the United States. Finally, Michigan continued its tradition of peopling the law school deanships of the country when Associate Dean Joseph R. Julin left, also at mid-year, to become the Dean of the University of Florida Law Center. Since I assumed office, the Law School has sustained even further losses (which is to say, has been further honored), but I shall wait until next year's report to relate these developments.

Two separate series of Cooley lectures brought several prominent legal authorities to the campus for short visits. Bernard Botein, formerly Presiding Justice of the Supreme Court of New York, Appellate Division, spoke on "New Priorities in Criminal Justice." Professors Maurice Rosenberg of Columbia, Benjamin Kaplan of Harvard, and Mauro Cappelletti of the University of



Florence formed a trio to deal with "The Reform of Civil Procedure."

I regret to report that Professor Emeritus Paul A. Leidy died on July 20, 1970, at the ripe age of 81. Professor Leidy was a member of the faculty from 1926 to 1951. He specialized in teaching torts and agency, and also served for substantial periods as secretary and placement director of the Law School. At his death, the law faculty adopted a resolution saluting him as "a man who had devoted himself with singular dedication and loyalty to the Law School and who by his work as teacher and administrator had earned the respect and affection of many generations of law students."

## STUDENT BODY

The most important people in a hospital are the patients, and the most important people in a school are the students. That is the theory. In practice, we know that the spotlight in a hospital is on the great surgeons, and the spotlight in a school is on the great scholars. This is not necessarily bad, for either patients or students. Patients and students alike, I suppose, should ultimately be much less concerned about being in the spotlight than about receiving the best available professional treatment. Even so, I am disturbed about the scanty attention usually given to the student body in an institutional report of this kind. Yet there is something of a dilemma in trying to rectify the situation. Do you talk about the students as a whole, and risk becoming immersed in a mass of dreary statistics? Or do you talk about a few exemplary figures, and risk offending the less spectacular but still sturdy performers who make up the vast bulk of any able group? I am going to essay both approaches to some extent, but I realize such a compromise may be far from the happiest solution.

The flood of returning veterans helped to edge the student body for the 1970-71 regular session over the 1,200 mark—to 1,201, to be exact. Of these, 1,183 were degree candidates. This latter figure included 82 women and 72 members of minority groups. Students came from 235 colleges and universities, from 45 states and territories, and from 23 foreign countries.

Traditional extracurricular activities, like law journal writing and moot court competition, continue to flourish at the Law School, but a wide range of new and less conventional programs has added considerable spice to student life. In 1970-71 Alan M. Loeb was editor-in-chief of the *Michigan Law Review*, and Roger A. Manlin was editor-in-chief of the *Journal of Law Reform*. Associate Justice Potter Stewart of the United States Supreme Court presided over the court in the final round of the Henry M. Campbell Competition, which was won by Jeffrey J. Keyes and Stephen P. Schnautz, with Joseph D. Lonardo and John A. Van Luvanee the runners-up. A national championship came to Michigan when Dawn Phillips and David Harwood took first place in the Emil Brown Law Office Competition.

The Law School's student government, formerly known as the Board of Directors of the Lawyers Club, was reorganized as the Law School Student Senate, with David E. LeFevre as president. The Student Senate nominated the student members of the dean search committee, prepared the budgets for the various student organizations, and served as student spokesman on a number of important institutional issues. The Student Senate also ran a highly successful speakers program, which brought to the School such diverse personages as former HEW Secretary Wilbur Cohen, civil rights lawyer William Kunstler, consumer advocate Ralph Nader, and United States Solicitor General Erwin Griswold. Faculty-student communications were considerably improved, or at least eased, through a series of well-attended social hours sponsored by the Student Senate.

Among the newer organizations which have opened up opportunities for significant social action by law students are the Environmental Law Society, the Legislative Aid Bureau, the Michigan Inmate Assistance Program, the Michigan Women Law Students Organization, the Black Law Students Alliance, and the Legal Aid Society. During the past year, these six groups were headed, respectively, by Hunter Watson, Thomas C. Brown, Joel N. Kreizman, Noel Anketell, Edwin G. Fabré, and Joseph T. Sinclair. The International Law Society, whose president was James Todd Jones, continued to provide a rich series of lectures and symposia on international affairs.





Law students, like law faculty members, are being drawn upon increasingly to serve the larger University community. Last year, for example, three law students were members of the committee to create a new all-campus judicial system, and one was chairman of the existing Central Student Judiciary. This involvement was understandable, and on balance probably desirable. But for student and faculty member alike, it meant substantial periods of time away from their primary missions in the University.

## STUDENT FINANCIAL ASSISTANCE

From February 16, 1970 to February 15, 1971, the Law School provided \$670,136 in loans and scholarships to 410 students—a dramatic increase of some \$134,000 over the \$536,115 furnished the previous year. In addition, our students obtained at least \$519,743 that we know of from such outside sources as hometown banks, the Ford Foundation, the “G.I. Bill,” and independent scholarship funds. The grand total of financial assistance received by Law School students from all known sources was thus \$1,189,879.

Rising tuition costs, rising living costs, and the rising number of students in need of substantial financial aid have all contributed to placing a severe strain on our resources. For the first time in recent years, we may not be able to fulfill the promise that no deserving student will be denied a legal education at Michigan on financial grounds. The problem is accentuated because the cost of maintaining a quality academic program is also increasing sharply. Neither the University nor the Law School wishes to divert so much money to scholarship funds that we would only be ensuring more students access to an inferior education. Ultimately, the “G.I. Bill,” which now provides almost a quarter of all the funds going to our students, may have to be succeeded by an expanded civilian counterpart.

## PLACEMENT

Despite the economic turndown and the apparent decline in the market for young lawyers in 1970-71, we had a larger percentage of graduates this year with definite plans than in any of the pre-

vious four years. Seventy-six per cent knew where they were headed when they walked out of Law School, as compared with 71 per cent the year before. The number of interviewers at the School increased from 320 in 1969-70 to 340, and the number of individual interviews from 5108 to 6289. Notices of other job opportunities declined, however, from 672 to 578.

As of May 28, 1971, 259 of the 343 seniors had reported their plans to the Placement Office. The largest number, 142, were going into private law firms. Thirty-two had judicial clerkships, and 29 had government positions. Eleven were remaining in the academic world, through fellowships, graduate study, or law teaching. Corporations took ten, while 17 went into legal aid, public defender agencies, public interest offices, and VISTA. Other plans included banking, CPA firms, and military service. For the first time in at least five years, two graduates were setting out as solo practitioners. Generally, there was a shift away from cities like New York and Chicago toward smaller communities, with the Far West especially popular. The range of starting salaries in law firms was from \$7,200 to \$16,000, with the average being \$13,446. The average salary paid by corporations, banks, and CPA firms was \$14,636.

Our Placement Office continues to have an unexcelled reputation among interviewers for its efficiency and considerateness. Understandably enough, students are greatly concerned that the office be of benefit to the whole of the graduating class, and not just to those with the highest grade-point averages. The office is also concerned about this problem, and is working on it. The results have been encouraging. Last year, 107 students out of the 171 in the lower half of the class, or 63 per cent, had found employment by graduation.

## LIBRARY

The space situation in the Library was reported to be critical a year ago; it has now worsened. For all practical purposes, the shelves are full. Books are constantly being shuffled from one location to another in a time-consuming, money-wasting effort to stay a few months ahead of a disastrous breakdown in services.

Additional library facilities, in my judgment, are the Law

School's number one capital need. But hardly less distressing than the space shortage is the continuing decline in accession figures. Only 11,000 volumes were added to the collection in the past year. This brings the Library's total holdings to 421,000 volumes, conservatively calculated; that is an estimable figure, but it is the past and not the present which is responsible for the Library's greatness. Unless the future sees a drastic change in current funding trends, the Library cannot long remain in the forefront of the nation's law collections.

## **LAWYERS CLUB**

In 1974 the Lawyers Club will observe the fiftieth anniversary of the opening of its initial residential facilities. During Dean Allen's tenure, the University and the Law School collaborated in completing a basic renovation of the heating and plumbing systems in the living units. Nonetheless, the rooms and the furnishings are showing their age, and visiting alumni are finding, to their dismay, that the accommodations do not live up to their memories.

For many graduates, including myself, life in the Lawyers Club was an integral part of the Law School experience—perhaps one of the major elements distinguishing a legal education at Michigan from that at other institutions. The Board of Governors of the Club desires to preserve that value, and is now giving thought to the possibility of a special fund-raising campaign, which would fittingly celebrate the Club's fiftieth anniversary by restoring its facilities to their former high estate.

## **PRIVATE GIFTS AND CONTRIBUTIONS**

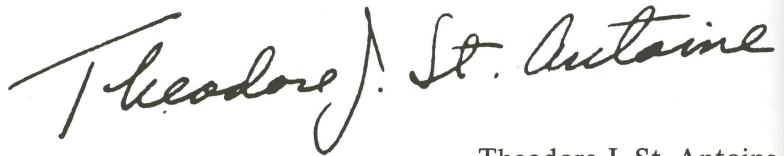
Nothing could have been more heartening to me on assuming the deanship than the assurances of support I received from the alumni and friends of the Law School. One of my first acts as Dean-designate was to attend the annual spring meeting of the National Committee of the Law School Fund in Ann Arbor, where that support found its most tangible expression. John S. Tennant of New York, retiring after two highly successful years as National Chairman of the Law School Fund, was able to report that the



1970 campaign had collected \$325,346.12, a substantial increase over the previous year's total of \$283,683.29. The tenth annual drive thus brought the Fund to the threshold of its first third-of-a-million year. This was accomplished despite a slight drop in the number of contributions—from 4302 in 1969 to 4250 in 1970.

Mr. Tennant aptly remarked: "Our contributions are without question helping to provide that 'extra margin to keep Michigan in the ranks of the great schools.' " I shall do my best, in all the ways I can, to contribute to that same end.

Respectfully submitted,

A handwritten signature in cursive script that reads "Theodore J. St. Antoine". The signature is written in dark ink and is positioned above the printed name and title.

Theodore J. St. Antoine  
Dean

December 1, 1971



BEWARE  
OF  
PICKPOCKETS



*Larceny*



# Faculty Publications, 1970-71

## DEAN FRANCIS A. ALLEN

- "Criminal Justice, Legal Values and the Rehabilitative Ideal" in Goldstein and Goldstein, eds., *Crime, Law and Society*. (The Free Press, New York, 1971) pp. 271-82.
- "Civil Disobedience and the Legal Order: Part II" in Kent, ed., *Law and Philosophy*. (Appleton-Century-Crofts, New York, 1970) pp. 355-70.
- "Civil Disobedience and the Legal Order" in Bassiouni, ed., *The Law of Dissent and Riots*. (Charles C. Thomas, Springfield, Ill. 1971) pp. 121-66.
- "The Perils for the Universities," 15 Law Quad. Notes 6-9 (Winter, 1971); also appeared under the title "Issues Confronting the University," 57 AAUP Bull. 5-7 (1971); reprinted 116 Cong. Rec. 20832-4 (December 19, 1970).
- "Thomas Erskine," 8 Ency. Brit. 690-1 (1971).
- "Freedom, Order and Justice," 60 Current History 321-6, 368 (June, 1971).
- "Introduction to Symposium: Recodification of the Criminal Laws," 4 J. Law Reform 425-8 (Spring, 1971).

## PROFESSOR LAYMAN E. ALLEN

- Queries 'n Theories: The Game of Science and Linguistics*. (Autotelic Instructional Materials Publishers, New Haven, 1970) (with Peter Kugel and Joan K. Ross).
- "Right<sub>1</sub>, Right<sub>2</sub>, Right<sub>3</sub>, Right<sub>4</sub>—and How about Right?" in American Section of the International Association for Philosophy of Law and Social Philosophy, *Proceedings of the Conference on Human Rights* (Rutgers Univ., Newark, N. J., Feb. 5-7, 1970).
- "Computer Systems for Research" in *The Law of Computers*. (Inst. Con. Leg. Ed., Ann Arbor, 1971) pp. 101-5.
- "The Virtues of Nonsimulation Games," 1 Simulations and Games 319-26 (September 1970) (with Robert W. Allen and Joan K. Ross).
- "Queries 'n Theories: A New Instructional Game" in Univ. Mich. Center for Research on Learning and Teaching, Memo to the Faculty No. 42 (August 1970) (with Joan K. Ross).
- Review: P. Suppes, J. Jerman, and D. Brian, *Computer-Assisted Instruction: Stanford's 1965-66 Arithmetic Program*. J. Symbolic Logic (1970).

## PROFESSOR WILLIAM W. BISHOP, JR.

- International Law: Cases and Materials*. 3d ed. (Little, Brown and Co., Boston, 1971) xlvii, 1122 pp.

## ASSOCIATE PROFESSOR VINCENT A. BLASI

- "Prior Restraints on Demonstrations," 68 Mich. L. Rev. 1481-1574 (1970).
- "Creativity and Legitimacy in Constitutional Law," (Review of Black, *Structure and Relationship in Constitutional Law*.) 80 Yale L. J. 176-94 (1970).
- "Press Subpoenas: Privilege in a Time of Violence," The Nation (December 21, 1970) pp. 653-6.

## PROFESSOR OLIN L. BROWDER, JR.

- "Restraints on the Alienation of Condominium Units (The Right of First Refusal)" 1970 U. Ill. Law Forum 231-272.

## MRS. ELIZABETH H. G. BROWN

- "Two Courthouses in Main Street, Waukesha County, Wisconsin, 1846-1959," 15 Am. Jour. Legal His. 3-37 (1971).

PROFESSOR PAUL D. CARRINGTON

*Teachers Manual to Civil Procedure: The Process of Adjudication.* (Little, Brown and Co., Boston, 1971).

*The Civil Procedure Game.* (1970 Draft).

"The Limits of University Discipline" in *Law and Discipline on the Campus.* (Inst. Con. Legal Ed., Ann Arbor, 1971) pp. 71-90.

*Training for the Public Professions of the Law: 1971.* (Editor, Proposed Final Draft, Assoc. Am. Law Schools, 1971).

PROFESSOR ALFRED F. CONARD

"Remarks on Induction to the Presidency of the Association of American Law Schools December 30, 1970," 23 Jour. Legal Ed. 366-8 (1971); also appeared under the title "On the Crisis of Justice," 15 Law Quad. Notes 4-5 (Spring, 1971).

"Insurance Rates & Regulations" (Statement to New York Joint Legislative Committee on Insurance Rates and Regulations), Law Quad. Notes 15-7 (Fall, 1970).

"Macrojustice," 6 Ga. L. Rev. (1971).

PROFESSOR ROGER C. CRAMTON

*Judicial Review of Civil Service Determinations: A Tentative Report for the Committee on Judicial Review of the Administrative Conference of the United States.* (Washington, D.C., 1970) ii, 86 pp.

*The New Michigan Administrative Procedures: A Course Handbook.* (Inst. Cont. Legal Ed., Ann Arbor, 1970) xv, 289 pp. (with Grace W. Holmes).

PROFESSOR ROGER A. CUNNINGHAM

*Control of Highway Advertising Signs: Some Legal Problems.* (National Cooperative Highway Research Programs Report, Highway Research Board, National Research Council, 1971).

ASSISTANT PROFESSOR CHARLES DONAHUE, JR.

"Zenith Radio Corporation v. Hazeltine Research, Inc." (AALS Memorandum, January 31, 1971).

*Property* (Mimeo ed. 1970-71) 1600 pp. (with T. Kauper and P. Martin).

ASSOCIATE PROFESSOR HARRY T. EDWARDS

"Due Process Considerations in Labor Arbitration," 25 Arbit. Jour. 141-69 (1970).

"Religious Discrimination and the Role of Arbitration under Title VII," 69 Mich. L. Rev. 599-654 (1971).

"Black Perspective: Justice and the Judicial System," 15 Law Quad. Notes 21-4 (Winter, 1971).

PROFESSOR WHITMORE GRAY

Review: Cohen, *Chinese Law: Research Problems and Perspectives.* Am. Jour. Comp. Law 391-5 (1971).

PROFESSOR CARL S. HAWKINS

"Summary Proceedings for Possession of Premises" in *Fifth Annual Report Michigan Law Revision Commission* (1970) 16-40.

"1970 Survey of Michigan Law: Civil Procedure," 17 Wayne L. Rev. 315-38 (1971).

"Professional Negligence Liability in Public Accountants" reprinted in Buckley, *Contemporary Accounting and Its Environment.* (Dickenson Pub. Co., 1970).

PROFESSOR JEROLD H. ISRAEL

*Criminal Procedure in a Nutshell: Constitutional Limitations.* (West Pub. Co., St. Paul, 1971) 423 pp. (with W. LaFave).

"Legal Limits on Police Interrogation" (Training film, produced by Institute for

Community Development and School of Criminal Justice, Michigan State University).

"An Introduction to Riot Legislation" in *The Officer and the Law*. (I.C.D.S. and Michigan State University, 1971) pp. 1-21.

"Preventive Detention During Riots" in *Preventive Detention*. (Urban Research Inst., 1971) pp. 194-204.

**PROFESSOR JOHN H. JACKSON**

*Contract Law in Modern Society*. (Xerox ed., 1970-71) 944 pp. (with T. J. St. Antoine).

**PROFESSOR DOUGLAS A. KAHN**

*Federal Taxation of Estates, Gifts, and Trusts*. (Joint Comm. on Cont. Legal Ed., ALI/ABA, Philadelphia, 1970) (with E. Colson and G. Craven) 366 pp.

"Mandatory Buy-Out Agreements for Stock of Closely Held Corporations" reprinted in *Corporate Counsel's Annual-1970* (Matthew Bender, N.Y., 1970) pp. 91-155, and in 12 *Corporate Practice Commentator* 121-96 (August, 1970).

"Transactions Subject to the Federal Gift Tax," 16 *Prac. Lawyer* 35-46 (Dec., 1970).

**PROFESSOR YALE KAMISAR**

*The American Constitution: Cases and Materials*. 3d ed. (West Pub. Co., St. Paul, 1970) 1,055 pp. (with W. Lockhart and J. Choper).

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**PROFESSOR PAUL G. KAUPER**

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**PROFESSOR FRANK R. KENNEDY**

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**ASSISTANT PROFESSOR RICHARD O. LEMPert**

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ASSISTANT DEAN MATTHEW P. MC CAULEY

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PROFESSOR ARTHUR R. MILLER

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INSTRUCTOR VIRGINIA DAVIS NORDIN

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PROFESSOR GEORGE E. PALMER

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PROFESSOR WILLIAM J. PIERCE

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PROFESSOR BEVERLEY J. POOLEY

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PROFESSOR THEODORE J. ST. ANTOINE

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PROFESSOR TERRANCE SANDALOW

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PROFESSOR JOSEPH L. SAX

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ASSOCIATE PROFESSOR STANLEY SIEGEL

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PROFESSOR RUSSELL A. SMITH

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PROFESSOR ERIC STEIN

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PROFESSOR PETER O. STEINER

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DR. ANDREW S. WATSON

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PROFESSOR RICHARD V. WELLMAN

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PROFESSOR JAMES J. WHITE

- "Representing the Low Income Consumer in Repossessions, Resales and Deficiency Judgment Cases," 64 Nw. U. L. Rev. 808-37 (1970); reprinted in UCC L. Jour. 199 (Winter, 1971).
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# Faculty Activities, 1970-71

*Dean Allen* was elected Senior Fellow in the University of Michigan Society of Fellows. He delivered the Law Day address at Vanderbilt University, and spoke to other groups in Ann Arbor, Detroit, and New York . . . . *Professor William W. Bishop, Jr.* was Honorary Vice President of the American Society of International Law. He was a member of the Board of Editors of the American Journal of International Law; of the Committee on International and Comparative Law, State Bar of Michigan; of the Committee on Marine Pollution, Institut de Droit International; and of various other committees in the American Branch of the International Law Association and of the ABA Section of International and Comparative Law . . . . *Associate Professor Vincent A. Blasi* is directing a Field Foundation study of press subpoenas, and is acting as consultant to the Twentieth Century Fund Task Force on Government-Press Relations . . . . *Dr. Vera Bolgar* prepared and presented the United States Report on standardized contracts and adherence contracts to the 8th International Conference of Comparative Law held in Pescara, Italy. She lectured in two seminars at the State University of Louisiana Law School . . . . *Professor Olin L. Browder, Jr.* served as Chairman of the ABA Committee on Rules Against Perpetuities . . . . *Mrs. Elizabeth H.G. Brown* continued her service as Secretary, Building Authority, City of Ann Arbor . . . . *Associate Professor Robert A. Burt* served as Vice-Chairman of the Washtenaw County Branch of the American Civil Liberties Union . . . . *Professor Paul D. Carrington* served as a member of the Ann Arbor Board of Education and as Chairman of that body's Superintendent Search Committee. He was Chairman of the ABA Committees on Civil Rights and Responsibilities and on Liability of School Districts. He served as Director of the Association of American Law School's Curriculum Study Project and of that organization's Conference on "Training for the Public Professions of the Law: 1971" in Washington, D.C. He was appointed ABA-AALS Accreditation Investigator, Rutgers University . . . . *Assistant Professor David L. Chambers III* was a member of the Committee on Prisons of the Michigan Bar Association and served as counsel in litigation concerning conditions in Wayne



County Jail . . . . *Associate Professor Craig W. Christensen* was a member of the ABA Right to Legal Services Committee. He lectured on "Fairness and Efficiency in the Handling of Contested Cases" at an ICLE Seminar on "The New Michigan Administrative Procedures Act" . . . . *Professor Alfred F. Conard* began his duties as President of the Association of American Law Schools in December, 1970. He was Editor-in-Chief of the American Journal of Comparative Law, Trustee of the Law and Society Association, Member of the Council, ABA Section of Corporation, Bank and Business Law, Member of the Council on Law-Related Studies, of the Legal Advisory Council, Automobile Insurance and Compensation Study of U.S. Department of Transportation, and of the National Research Council. He delivered the Sibley Memorial Lecture at the University of Georgia, addressed the Conference of Western Law Schools at Lubbock, Texas, and gave the law school commencement address at Washburn University. He was awarded the LL.D. (Hon.) by Grinnell College in June, 1971 . . . . *Professor Luke K. Cooperrider* lectured on "Law and the Medical Profession" at the University of Michigan Medical School, and served as discussion leader at a University of Michigan Continuing Medical Education Seminar. He was a member of the University of Michigan Senate Assembly . . . . *Professor Roger C. Cramton* participated as a member of the Michigan Administrative Law Commission in the drafting of the Michigan Administrative Procedures Act of 1970. During the summer of 1970 he was in Scandinavia to do comparative research on the legal control of the drinking driver. In December 1970 he went on leave of absence from the University to serve as Chairman of the Administrative Conference of the United States . . . . *Professor Roger A. Cunningham* was a member of the Committee on Eminent Domain and Land Use, Legal Resources Group, Highway Research Board, National Research Council. He was also a member of the Board of Trustees of the Episcopal Chaplaincy to the Ann Arbor Medical Community and of the Finance Committee of St. Andrew's Episcopal Church . . . . *Assistant Professor Charles Donahue, Jr.* was a member of the Residential College Committee on the History of Ideas and of the Rackham Committee on University Relations with Other Schools and Colleges. He spoke to The Speakers Club and the Phi Alpha Delta fraternity on the Relevance of

Roman Law to the Modern Lawyer, and to the History Department faculty seminar on Medieval Ideas of Marriage . . . . *Associate Professor Harry T. Edwards* spoke on "Mediation—Private and Public Sectors" at a conference at Cornell University School of Industrial and Public Relations. He spoke also for the University of Michigan Center for Afro-American and African Studies, and was guest speaker at the Midwest Minority Student Pre-Law Conference at the University of Toledo. He served as impartial chairman in arbitration involving the City of Warren, Michigan, and as a member of the 1971 Program Committee of the AALS . . . . *Professor Samuel D. Estep* served as a member of the Panel on International Telecommunications of the American Society of International Law. He presented a paper on "Liability Problems in Nuclear Energy Operations" at an ALI-ABA Institute on Nuclear Energy, and was a member of the Committee on Atomic Energy of the American and Michigan Bar Associations. He also acted as impartial chairman of several panels in public employee labor disputes under Michigan's compulsory arbitration statute . . . . *Professor Whitmore Gray* was named Chairman of the Committee on Soviet Law, ABA Section of International and Comparative Law. He spoke on "The Basic Course in Comparative Law—A Mild Dissent" at the Parker School Conference on the Teaching of Comparative Law . . . . *Professor Robert J. Harris* was reelected as Mayor of Ann Arbor . . . . *Professor Carl S. Hawkins* was Executive Secretary of the Michigan Law Revision Commission, and Reporter for the Michigan Supreme Court Committee on Standard Jury Instructions. He lectured before the Michigan District Judges Association in Grand Rapids . . . . *Professor Jerold H. Israel* served as Reporter for the Michigan State Bar Committee To Revise the Code of Criminal Procedure, and as a member of the Advisory Board of the Criminal Justice Newsletter. He spoke on a variety of criminal justice topics in New York, Detroit, and Brownsville, Texas, and at Albion College. He testified on the proposed Federal Criminal Code Revision before the Senate Judiciary Subcommittee . . . . *Professor John H. Jackson* served on the Board of the Washtenaw County Legal Aid Society and as a member of the Washtenaw County Chapter of the American Civil Liberties Union. He was Chairman of the Panel on Trade Law Developments at the Annual Meeting of the American Society of International

Law . . . . *Professor Douglas A. Kahn* was awarded the Preventive Law Prize from the Emil Brown Foundation for his article entitled "Mandatory Buy-Out Agreements for Stock of Closely Held Corporations," which appeared in the November, 1969, issue of the Michigan Law Review. He spent the larger part of the Fall Term in Europe while on leave . . . . *Professor Yale Kamisar* delivered the Annual Gaspar Bacon Lecture on the United States Constitution at Boston University, and spoke on the topic "What Revolution in American Criminal Procedure?" He participated in Oklahoma University's special series, "Symposium 1971: The American Constitution," and continued to serve as a member of the Advisory Committee of the ALI's Model Code of Pre-Arrestment Procedure . . . . *Professor Paul G. Kauper* was designated Henry Russel Lecturer at The University of Michigan, and lectured on "Government and Religion: The Search for Absolutes." He served as Rosenstiel Distinguished Visiting Professor of Law at the University of Arizona College of Law in the spring semester, 1971 . . . . *Professor Thomas E. Kauper* spent the year on leave as Deputy Assistant Attorney General, Office of Legal Counsel, United States Department of Justice . . . . *Professor Frank R. Kennedy* was appointed Executive Director for the Commission to Study the Bankruptcy Laws of the United States, and served as Reporter for the Advisory Committee on Bankruptcy Rules of the United States Judicial Conference. He was Chairman of the Nominating Committee and of the Special Committee on Establishment of a Separate Bankruptcy Court, and a member of the Executive and Drafting Committees of the National Bankruptcy Conference. He also served as Chairman of the Subcommittee on Secured Transactions of the ABA Section of Banking and Business Law, of the Subcommittee on Faculty Rights, ABA Section of Individual Rights and Responsibilities, of the Nominations Committee and Organizational Relations Committee of the AAUP, of the Creditors' Rights and Bankruptcy Round Table Council of the AALS, and of the University's Senate Advisory Review Assembly. He addressed groups on a variety of legal topics in Ottawa, Detroit, Chicago, and Washington, D.C. . . . . *Assistant Dean Bailey H. Kuklin* participated as a guest in the University of Nebraska's Masters Program . . . . *Assistant Dean Matthew P. McCauley* served on the Finance Committee of the Law School Admission Test



Council and on the Board of Directors of the University Cooperative Society, Inc. He is Secretary of the Washtenaw County Legal Aid Clinic . . . . *Professor Arthur R. Miller* testified before the U.S. Senate Subcommittee on Constitutional Rights on the subject of governmental data banks and military surveillance. He delivered the Eighteenth Earl F. Nelson Memorial Lecture at the University of Missouri, and was Distinguished Visiting Professor of Law at the University of Miami Law School in the spring. He was National Lecturer for the Association of Computing Machinery, and Lecturer for the Federal Judicial Center's program for new judges. He was a Panel Member, Committee of Scientific and Technical Information, United States Office of Science and Technology; a member of the Advisory Panel, National Academy of Sciences Project on Computer Data Banks; a member of the Special Decennial Census Review Committee, Department of Commerce; and a participant in the ICLE Program on Discovery . . . . *Instructor Virginia Davis Nordin* is a member of the Council of the Corporation, Finance and Business Law Section of the State Bar of Michigan, and is Editor of the Section's *Newsletter*. She is a Consultant to the President's Committee on Mental Retardation, a member of the Mayor's Committee on Problems of the Handicapped, and of the Antitrust, Corporation, and Individual Rights Sections of the ABA. She serves as Advisor of the Christian Science Organization at The University of Michigan. She spoke at the Spring Conference of The Institute for the Study of Mental Retardation and before the National Secretaries Association, Huron Valley Chapter . . . . *Professor William J. Pierce* continued his service as Executive Director of the National Conference of Commissioners of Uniform State Laws. He was Chairman of the Ann Arbor Committee on Drug Abuse and of the Executive Committee of the Institute for Continuing Legal Education. He is a member of the Board of Directors of the Governor's Commission on Mental Health; The Council of State Governments; the University Search Committee for the Dean of Extension; the University Water Resources Committee; the University School of Natural Resources Policies Committee; and of the Research Policies Committee of the University Senate Assembly . . . . *Professor Marcus L. Plant* spent the year as Visiting Professor of Law at Washington and Lee Law School . . . . *Professor Beverley*

Bribery



*J. Pooley* participated in seminars conducted at the School of Oriental and African Studies in London. He also visited major European law libraries, law publishers, and documentation centers on behalf of the Law Library . . . . *Professor John W. Reed* continued serving as Director of the Institute of Continuing Legal Education. He was chairman of the University's Committee on Rights and Responsibilities of Faculty Members and chairman of the Committee on Evidence of the Multi-State Bar Examination Project sponsored by the National Conference of Bar Examiners. He served on State Bar committees dealing with legal education and legal publications, and on the Committee on CLE Goals of the Association of Continuing Legal Education Administrators. He was appointed a hearing referee for the Michigan Civil Rights Commission. He continued as President of the Baptist Ministers and Missionaries Benefit Board and as a member of the Kalamazoo College Board of Trustees. He addressed audiences throughout the country on a variety of legal and professional topics . . . . *Professor Theodore J. St. Antoine* continued his service as Secretary of the ABA Section of Labor Relations Law. He was Chairman of the University Council and a member of the Ad Hoc Committee on a Permanent Judiciary at the University. He spoke to groups in St. Louis, Ann Arbor, Nassau, Washington D.C., Chicago, and Lansing, on a variety of legal and campus topics. He also testified on proposed labor legislation before the Special Subcommittee on Labor of the U.S. House of Representatives . . . . *Professor Terrance Sandalow* served as Chairman of the Commission to Investigate the Disorders at Eastern Michigan University in May, 1970. He is a member of the Committee on Academic Freedom and Tenure of the AALS, and Reporter, Zoning Digest, of the American Society of Planning Officials . . . . *Professor Joseph L. Sax* was Chairman of the Committee on Public Lands and Waters of the ABA Administrative Law Section, and of the Editorial Advisory Board, Environmental Law Reporter. He served as Consultant on Environmental Quality, U.S. Senate Committee on Public Works, and was a member of the Environmental Studies Board of the National Academy of Science; of the Board of Trustees of the Center for Law and Social Policy, Washington, D.C.; of the Consulting Council, Conservation Foundation; of the Special Committee on Environmental Law of the ABA; and of the



National Advisory Board, Ecology Law Quarterly . . . . *Associate Professor Stanley Siegel* served as Consultant on Postal Regulation, United States Postal Service, and on Corporate Law Revision, Michigan Law Revision Commission . . . . *Professor Russell A. Smith* was active in the initial phases of experience with compulsory arbitration under Michigan's Police and Fire Fighter Act of 1969, and in evaluation of the Act. He participated in the program of the annual meeting of the National Academy of Arbitrators, and served as Chairman of the Ethics and Grievance Committee of the Academy . . . . *Professor Eric Stein* served as Chairman of a panel at the ABA National Institute on Doing Business in Europe. He was Scholar-in-Residence at the Aspen Institute for Humanistic Studies in February, 1971. He was elected a member of the Board of Review and Development of the American Society of International Law and served on panels on the Law of the Treaties and on Regional Development, at the national meetings of that organization. He is a member of the Center for West European Studies, and addressed a faculty seminar at the Center . . . . *Professor Peter O. Steiner* was appointed Chairman of the University's Department of Economics. He served as Chairman of Committee Z of the AAUP, and lecturer at Johns Hopkins, Washington, and Queen's Universities . . . . *Assistant Professor G. Joseph Vining* was a member of the ABA Standing Committee on the Facilities of the Law Library of the Library of Congress, of the Steering Committee on Alcoholism and Drug Abuse of the ABA Section of Individual Rights and Responsibilities, and of the AALS Select Committee on Problems of Academic Continuity and Evaluation of Student Performance . . . . *Professor Richard V. Wellman* was Visiting Professor of Law during the year at the University of California School of Law, Davis . . . . *Professor James J. White* served as Vice-Chairman of the Group Practice Committee of the Michigan State Bar. He addressed the Michigan District Judges Association, the Denver Bar Association, and participated as a member of the Panel on Women and the Law at the annual meetings of the AALS. He testified in opposition to the proposed "equal rights for women" amendment before the Senate Judiciary Committee . . . . *Professor L. Hart Wright* served as Chairman of the University Board for Student Publications, and of the University Distinguished Faculty Achievement Awards Selec-

tion Committee. He addressed a meeting of the Commissioner of Internal Revenue's Advisory Board of Tax Exempt Organizations, and spoke at the Annual Conference of Life Insurance Counsel's Association at Greenbrier, and at the annual convention of the Tax Section of the Michigan State Bar.